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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,441	03/30/2004	Orozoo Gavaldon Humberto	MX/JFC04-GO-02	3378

7590

07/06/2006

LAW OFFICE OF CARMEN PILI EKSTROM
727 SUNSHINE Dr.
LOS ALTOS, CA 94020

EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,441	Applicant(s) HUMBERTO, OROZOO GAVALDON	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/18/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clothes/shoes (number 12 of Fig. 1 supposedly) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining

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figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only*. Claim 5 is also objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, since building standards vary from state to state, country to country, it is improper/indefinite to include the building standards limitation in the claim. Also, for claim 1, "the enclosure space" and "the enclosure wall" lack antecedent basis.

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Furthermore, there is no reasoning or logic concerning the elements and their relationships with respect to each other, making the claim is confusing. For claim 3, it is unclear what is entailed in a "specially designed fastening element". For claim 7, stating that the shelves can be "fastened and at different spaces, larger or smaller" is indefinite because it is unclear what the shelves are fastened to or spaced from.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cattoire in view of the disclosed prior art (page 6, lines 15-21) and Kellems et al and Timm. Cattoire teaches a modular system (Fig. 1) comprising: a tower with lateral screens (4,5) forming support for various shelves (2) and drawers (3), one screen being larger than the other, and hanging sections with pipes (10) located on the right of the tower. For claim 1, Cattoire fails to teach that the shelves include veneer or plastic U-shaped reinforcement profiles. However, on page 6, lines 15-21 of the present application specification, it was disclosed that these types of shelf constructions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify to shelves of Cattoire using either type of reinforced shelf, depending on the desired need of the person constructing the unit, e.g. for aesthetic reasons, to extend the life of the shelf, etc. For claim 1, Cattoire also fails to teach a shelf and hanging sections on the left hand side of the tower and plastic elements which hold rods of the hanging sections in place. Kellems teaches a tower module (Fig. 1) with shelves (5) and hanging sections (10) on both sides thereof; the oval rods of the sections being attached to plastic fasteners (8,27; the interior ribs form a "fork" shape). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Cattoire by adding a hanging section(s) onto the left side thereof, such as is taught by Kellems, to provide additional storage space for hanging items.

Furthermore, the plastic fasteners are an alternative to what is presently provided and is considered a functional equivalent. The fasteners of Cooper would allow the system of Cattoire to be used in a closet without an end column(s). Finally for claim 1, Cattoire fails to teach that the tower is attached to an enclosure space. Timm teaches system/wall fasteners (20a). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Cattoire by adding wall fasteners therein (on the shelves and/or screens), such as is taught by Timm, so that the system can be securely positioned against a wall/in a closet.

For claim 6, Cattoire in view of the disclosed prior art and Kellems and Timm fails to teaches that the pipes are steel and covered with PVC. The examiner takes Official notice that steel pipes and PVC covering are well known

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in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use alternate pipes in the closet of Cattoire in view of the disclosed prior art and Kellems and Timm, i.e. using steel/PVC pipes instead of the plastic pipes presently used, depending on the desired need of the person constructing the closet, e.g. depending on the pipe strength requirements desired/required, depending on the material readily available, etc.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cattoire in view of the disclosed prior art and Kellems et al and Timm as applied to claim 1 above, and further in view of Balter. As stated above, Cattoire in view of the disclosed prior art and Kellems and Timm teaches the limitations of claim 1, including a tower with screens. For claim 2, Cattoire in view of the disclosed prior art and Kellems and Timm fails to teach that the screens are made of multiple panels. Balter teaches screens (Fig. 1) each made of multiple panels (22,24) attached via wooden tongued and grooved elements (28, openings in panels). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the screens of Cattoire, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Furthermore, the screens of Cattoire, if made of multiple sections, would allow for more options in tower heights.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cattoire in view of the disclosed prior art and Kellems et al and Timm as applied to claim 1 above, and further in view of Wenger. As stated above, Cattoire in view of the disclosed prior art and Kellems and Timm teaches the limitations of

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claim 1, including a tower with screens and shelves. For claim 8, Cattoire in view of the disclosed prior art and Kellems and Timm fails to teach that the screens are half the size of the shelves/no longer than 20cm. Wenger teaches screens (1; Fig. 1) with widths smaller than the shelves (9) therein. First, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the screens of Cattoire, by making them smaller than the shelves therein, such as is taught by Wenger, for aesthetic purposes, ventilation purposes, economic reasons, etc. Second, to make the screens 20cm and less than half the size of the depth of the shelves would have been an obvious design consideration, depending on the desired need of the person constructing the system, e.g. for aesthetic purposes, etc.

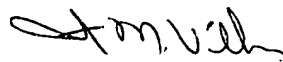
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkins
June 23, 2006


JANET M. WILKENS
PRIMARY EXAMINER
AAU 3637